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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,919

Applicant(s)

DILIP ET AL.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May14, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 38-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 38-72 is/are rejected.
- 7) ☒ Claim(s) 1,21,51,61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment and Remarks

1. Claims 1-30 and 38-72 are pending.
2. The 101 rejection is withdrawn.
3. Prior rejections are maintained and repeated for applicant; added comments are underlined.

Claim Objections

4. Claims 1, 21, 51 and 61 are objected to because they are in improper form. Claim 21 appears as a dependent claim. Any claim which is in dependent form but which is so worded that it, in fact, is not a proper dependent claim, as for example, it does not include every limitation of the claim on which it depends, will be required to be canceled as not being a proper dependent claim; and cancellation of any further claim depending on such a dependent claim will be similarly required. The applicant may thereupon amend the claim to place it in proper dependent form, or may redraft it as an independent claim, upon payment of any necessary additional fee. Likewise, claim 51 combines a method and apparatus claim and 61 combines a systems and method claim. See MPEP § 608.01(n). Appropriate correction is required.

Response to Remarks:

5. Page 16: Sullivan readily suggests the transfer of funds between two different financial institutions by the term international trade, thus between two or more countries and their respective financial institutions, eg., interest rate derivative swaps between two countries with different currencies trading on the two different currency exchanges

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whereby the derivative interest income is in two different currencies such that an investor has to have an account in two different financial institutions in order to convert currencies. Also, fig 2 (118 financial institution is plural, see col 8, L15-28); col 9, L 7-43: note growth and income fund is an equity account in line 9 is a first section also; multiplicity of financial institutions is merely repeating transactions which are already given here. Fig 5 teaches international trades. Currency is an asset and is an asset transfer as between different institutions as pounds in London and marks in Frankfurt in an international transaction. GAAP would automatically establish debit(s) and credit(s).

6. Page 18: Currency conversion can take place at two different institutions in different countries; currency is obviously an asset as is an interest rate derivative base on exchange rate fluctuations.

7. Page 19: Sullivan suggests money laundering or transactions between a multinational Parent and its global Subsidiaries.

8. Page 20: same argument as above

9. Page 21: same argument as above

10. Page 22: same argument as above

11. Page 23: same argument as above

12. Page 24: same argument as above with GAAP applied to debiting and crediting financial accounts.

Claim Rejections - USC # 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed

in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 2 1(2) of such treaty in the English language.

Claims 1-30, 38-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan et al. (United States Patent Number 6,598,028 B 1).

Claims 1, 11, 38, 41, 42 and 47.

Sullivan et al. discloses a method, comprising:

initiating a withdrawal of assets from a first account at a first financial institution (col. 9, lines 7-30, figs. 2, 4 and associated text) or

initiating a deposit of the withdrawn assets to a second account at a second financial

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institution, wherein the first account and the second account have a common account holder (col.9, lines 7-30, figs. 2, 4 and associated text).

Claims 2, 40 and 43:

Sullivan et al. discloses a method as recited in claim 1, initiating a withdrawal of assets includes generating a debit instruction (col. 7, lines 63-67; fig. 4 and associated text).

Claims 3, 39 and 44:

Sullivan et al. discloses a method as recited in claim 1, wherein initiating a deposit of assets includes generating a credit instruction (col. 7, lines 63-67; fig. 4 and associated text).

Claims 4 and 45:

Sullivan et al. discloses a method and corresponding apparatus as recited in claim 1 wherein the assets are withdrawn via a first payment network and the users are deposited via a second payment network (figs. 3-4 and associated text).

Claim 5.

Sullivan et al. discloses a method as recited in claim 1 wherein the withdrawal of assets and the deposit of assets are effectuated via an ACH network (col. 10, lines 53-62).

Claim 6.

Sullivan et al. discloses a method as recited in claim 1 wherein the withdrawal of

assets and the deposit of %sets are effectuated via a debit network (col. 7, lines 63-67), fig. 4 and associated text).

Claim 7.

Sullivan et al. discloses a method as recited in claim 1 wherein the withdrawal of users and the deposit of assets are effectuated via a wire transfer (col. 13, lines 16-23; fig. 5 and associated text).

Claim 8.

Sullivan et al. discloses a method as recited in claim 1 wherein the withdrawal of assets and the deposit of assets are effectuated via an ACH processor (col. 10, lines 53-62).

Claims 9 and 46.

Sullivan et al. discloses a method as recited in claim 1 and corresponding apparatus wherein the withdrawal of users and the deposit of assets are effectuated via a third financial institution fig. 2 and associated text; col. 7, lines 63-67; col. 8, lines 1-10).

Claim 10.

Sullivan et al. discloses a method as recited in claim 1 wherein the first account and the second account are asset accounts (col. 7, lines 63-67, col. 8, lines 1-10).

Claims 12 and 21.

Sullivan et al. discloses a method of transferring funds comprising:
implementing a first transaction comprising:

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withdrawing funds by a financial management system from a first account at a first financial institution (col. 9, lines 7-30; figs. 2, 4 and associated text); and depositing the withdrawn funds by the financial management system into a second account, wherein the first account and the second account have different account holders (col. 9, lines 7-30; figs. 2, 4 and associated text); implementing a second transaction comprising: withdrawing the deposited funds from the second account (col. 10, lines 63-67; col. 11, lines 1-3., figs. 2, 4 and associated text); and depositing the withdrawn funds into a third account a second financial institution, wherein the second account and the third account have different account holders and wherein the first account and the third account have a common account holder (col. 10, lines 63-67; col. 11, lines 1-3; figs. 2, 4 and associated text); depositing the withdrawn funds into a second account at a second financial institution, wherein the first account and the second account have a common account holder fig. 2-4 and associated text; col. 11, lines 50-58).

Claim 13.

Sullivan et al. discloses a method as recited in claim 12 wherein withdrawing funds from first account includes generating a debit instruction (col. 7, lines 63-67; fig. 4 and associated text).

Claim 14.

Sullivan et al. discloses a method as recited in claim 12 wherein depositing

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Funds into the third account includes generating a credit instruction (col. 7, lines 63-67), fig. 4 and associated text).

Claim 15.

Sullivan et al. discloses a method as recited in claim 12 wherein the funds are withdrawn from the first account via a first payment network and the funds are deposited into the third account via a second payment network (figs. 3-4 and associated text).

Claim 16.

Sullivan et al. discloses funds from the first account and depositing funds into the third account are effectuated via an ACH network (col. 10, lines 53-62).

Claim 17.

Sullivan et al. discloses a method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via a debit network (col. 7, lines 63-67; fig. 4 and associated text).

Claim 18.

Sullivan et al. discloses a method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via a wire transfer (col. 13, lines 16-23; fig. 5 and associated text).

Claim 19.

Sullivan et al. discloses a method as recited in claim 12 wherein withdrawing funds from the first account and depositing funds into the third account are effectuated via a third

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financial institution (figs. 2-4 and associated text).

Claim 20.

Sullivan et al. discloses a method as recited in claim 12 wherein the first account and the third account are asset accounts (col. 7, lines 63-68; col. 8; lines 1-14).

Claim 22.

Sullivan et al. discloses a method and corresponding computer program registering a plurality of financial accounts at with a financial management system and associated text, wherein the registering of a plurality of accounts allows the transfer of funds between any pair of registered accounts fig. 2 and associated text); and initiating a transfer of funds from a first registered account associated with a first financial institution to a second registered account associated with a second financial institution wherein a third party entity initiate the transfer of funds fig. 2, 4 and associated text).

Claim 23.

Sullivan et al. discloses a method as recited in claim 22 wherein initiating a transfer of funds by the financial management system includes:

initiating a withdrawal of assets from the first registered account (col. 9, lines 7-30; figs. 2, 4 and associated text); and

initiating a deposit of the withdrawn assets to the second registered account (col. 9, lines 7-30, figs. 2, 4 and associated text).

Claim 24.

Sullivan et al. discloses a method as recited in claim 23 wherein initiating a

withdrawal of assets includes generating a debit instruction (col. 7, lines 63-67, fig. 4 and associated text).

Claim 25.

Sullivan et al. discloses a method as recited in claim 23 wherein initiating a deposit of the withdrawn assets includes generating a credit instruction (col. 7, lines 63-67; fig. 4 and associated text).

Claim 26.

Sullivan et al. discloses a method as recited in claim 23 wherein the assets are withdrawn via a first payment network and the assets are deposited via a second payment network (figs. 3-4 and associated text).

Claim 27.

Sullivan et al. discloses a method as recited in claim 22 wherein the transfer of function is effectuated via a wire transfer (col. 13, lines 16-23, fig. 5 and associated text).

Claim 28.

Sullivan et al. discloses a method as recited in claim 22 wherein the third party entity is a third financial institution fig. 2 and associated text; col. 7, lines 63-67, col. 8, lines 1- 10).

Claim 29.

Sullivan et al. discloses a method as recited in claim 22 wherein the first account and the second account are asset accounts (col. 7, lines 63-68, col. 8; lines 1- 14).

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Claim 48.

Sullivan et al. discloses a method comprising:

initiating a transfer of funds from a first account at a first financial institution to a second account at a second financial institution (col. 9, lines 7-30, figs. 2, 4 and associated text),

wherein the transfer of funds is performed by a financial management system using an Automated Clearing House network

(col. 10, lines 53-62); and wherein the first account and the second account have a common account holder (col. 9, lines 7-30, figs. 2, 4 and associated text).

Claim 49.

Sullivan et al. discloses a method as recited in claim 48 wherein the first account and the second account are asset accounts (col. 7, lines 63-67; col. 8, lines 1-10).

Claim 50.

Sullivan et al. discloses a method as recited in claim 48 wherein the transfer of funds is effectuated using a debit instruction and a credit instruction (col. 7, lines 63-67; fig. 4 and associated text).

Claim 51.

Sullivan et al. discloses a method comprising:

initiating a withdrawal of funds from a first account at a first financial institution, wherein an instruction for the withdrawal of funds is initiated by an entity other than the

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first financial institution (col. 9, lines 7-30; figs. 2, 4 and associated text); and initiating a deposit of the withdrawn funds to a second account at a second financial institution wherein an instruction for the deposit of the withdrawn funds is initiated by entity other than the second financial institution (col. 9, lines 7-30; figs. 2, 4 and associated text).

Claim 52.

Sullivan et al. discloses a method as recited in claim 51 wherein the first account and the second account are asset accounts (col. 7, lines 63-68; col. 8; lines 1-14).

Claim 53.

Sullivan et al. discloses the method as recited in claim 51 wherein the deposit of withdrawn function utilizes an ATM network fig. 2 and associated text).

Claim 54.

Sullivan et al. discloses the method as recited in claim 1 wherein the second account is a new account being funded by assets from the first account (col. 11, lines 51-65; fig. 2 and associated text).

Claim 55.

Sullivan et al. discloses the method as recited in claim 22 wherein the second registered account is a new account being funded by assets from the first registered account (col.11, lines 51-65; fig. 2 and associated text).

Claim 56.

Sullivan et al. discloses a method comprising:

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opening a new account at a first financial institution fig. 2 and associated text; col. 9, lines 1 8-25), identifying a second account at a second financial institution fig. 2 and associated text; col. 7, lines 63-67; col. 8, lines 1-10), and initiating a transfer of funds from the second account to the new account by a financial management system wherein the new account and the second account have a common account holder and wherein a third financial institution initiates the transfer of funds from the second account to the new account fig. 2 and associated text; col. 7, lines 63-67; col. 8, lines 1-10).

Claim 57.

Sullivan et al. discloses a method as recited in claim 56 wherein the transfer of funds from the second account to the new account utilizes an Automated Clearing House network (col. 10, lines 53-62; fig. 2 and associated text).

Claim 58.

Sullivan et al. discloses a method as recited in claim 56 wherein the transfer of function from the second account to the new account utilizes a payment processor (col. 10, lines 53-62; fig. 2 and associated text).

Claim 59.

Sullivan et al. discloses a method as recited in claim 56 wherein the transfer of funds from the second account to the new account includes issuing a debit instruction associated

with the second account that transfers funds to a third account associated with the third financial institution and issuing a credit instruction that transfers funds from the third account to the new account (col. 7, lines 63-67, fig. 4 and associated text).

Claim 60.

Sullivan et al. discloses a method as recited in claim 56 wherein the new account is an asset account (col. 7, lines 63-68, col. 8, lines 1-14).

Claims 61 and 65.

Sullivan et al. disclose a method and corresponding computer program comprising:

a financial management system transferring assets from a first account at a first financial institution to a second account at a second financial institution via a debit instruction , wherein the first account and the second account have different account holders (col. 7, lines 63-67; fig. 4 and associated text); and the financial management system transferring assets from the second account to a third account at a third financial institution via a credit instruction, wherein the second account and the third account have different account holders, and wherein the first account and the third account have a common account holder (col. 7, lines 63-67; fig. 4 and associated text).

Claim 62.

Sullivan et al. disclose a method recited in claim 61 wherein transferring assets

from the first account to the second account utilizes a first payment network and transferring assets from the second account to the third account utilizes a second payment network (figs. 3-4 and associated text).

Claim 63.

Sullivan et al. disclose a method as recited in claim 61 wherein transferring assets from the first account to the second account utilizes a first payment network and transferring assets from the second account to the third account utilizes the first payment network (col. 10, lines 53-62, fig. 2 and associated text).

Claim 64.

Sullivan et al. disclose a method as recited in claim 61 wherein transferring assets from the first account to the second account utilizes an Automated Clearing House (col. 10, lines 53-62; fig. 2 and associated text).

Claim 65.

One or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 61.(refer to claim 21)

Claim 66. (New) A method as recited in claim 22 wherein the third party is a service provider. (fig 3. 306; col 4, L 38-41,54-57; col 7, L 43-46 where ATM's and credit card companies use ISP's for authorization)

Claim 67. (New) A method as recited in claim 22 wherein the first account and a second account are debt accounts. (refer to claim 1)

Claim 68. (New)

A method as recited in claim 12 when withdrawing funds from the first account and depositing funds into the third account as effectuated via an ATM network.(refer to claims 48, 53 and 57)

Claim 69. (New)

A method as recited in claim 12 wherein withdrawing funds from the first account includes issuing a debit instruction associated with the first account, and wherein depositing the withdrawn funds includes issuing a credit instruction associated with the second account. (refer to claims 2,3 and 12)

Claim 70. (New)

A method as recited in claim 61 wherein transferring assets from the first account to le second account utilizes an ATM network. (refer to claim 68)

Claim 71. (New)

A method as recited in claim 22 wherein the plurality of financial accounts associated with different financial institutions.(refer to claims 9, 12, 19)

Claim 72. (New)

A method as recited in claim 22 wherein the financial management system is associated with a particular financial institution that differs from a financial institution associated with at least one of the plurality of financial

account. (refer to claims 9, 12, 22 and 28)

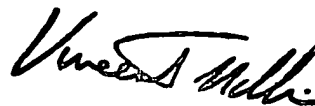
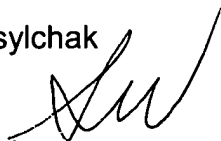
This action is **FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

9/19/04



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